

COHELAN KHOURY & SINGER
605 C Street, Suite 200
San Diego, CA 92101

COHELAN KHOURY & SINGER

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

J. Jason Hill (SBN 179630)

jhill@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Telephone: (619) 595-3001/Facsimile: (619) 595-3000

LEBE LAW APC

Jonathan Lebe (SBN 284605)

jon@lebelaw.com

777 S. Alameda Street, Second Floor

Los Angeles, California 90021

Telephone: (213) 358-7046/Facsimile: (310) 820-1258

Attorneys for Plaintiffs Marc Rivera, on behalf of
himself and other similarly situated

[Additional counsel listed on following page]

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

MARC RIVERA, individually and on
behalf of himself and others similarly
situated,

Plaintiffs,

vs.

WESTERN EXPRESS, INC., doing
business as WESTERN EXPRESS
TRANSPORT OF CALIFORNIA,
INC., a Tennessee Corporation; and
DOES 1 through 10, inclusive,

Defendants.

CASE NO. 5:18-cv-01633-JGB-SHK

**PLAINTIFFS' NOTICE OF MOTION
AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: March 30, 2020
Time: 9:00 a.m.
Ctvm: 1, 2nd Floor
Judge: Hon. Jesus G. Bernal

1 **DAVID YEREMIAN & ASSOCIATES, INC.**

2 David Yeremian (SBN 226337)

3 david@yeremianlaw.com

4 Alvin B. Lindsay (SBN 220236)

5 alvin@yeremianlaw.com

6 535 N. Brand Blvd., Suite 705

7 Glendale, CA 91203

8 Telephone: (818) 230-8380/Facsimile: (818) 230-0308

9 **SOMMERS SCHWARTZ, P.C.**

10 Kevin J. Stoops (*pro hac vice pending*)

11 kstoops@sommerspc.com

12 Charles R. Ash, IV (*pro hac vice pending*)

13 crash@sommersp.com

14 One Towne Square, 17th Floor

15 Southfield, MI 48076

16 Telephone: (248) 355-0300/Facsimile: (248) 436-8453

17 Attorneys for Plaintiffs Jacquelyn Hutto, on behalf of
18 herself and other similarly situated
19
20
21
22
23
24
25
26
27
28

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT**, on March 30, 2020 at 9:00 a.m., or as
3 soon thereafter as the matter may be heard, in Courtroom 1 of the United States
4 District Court for the Central District of California, Eastern Division, 3470 Twelfth
5 Street, Riverside, California 92501, before the Honorable Jesus G. Bernal,
6 presiding, Plaintiffs Marc Rivera and Jacquelyn Hutto (“Plaintiffs”), on behalf of
7 themselves and all others similarly situated will, and hereby do, move this Court
8 for an Order which has the effect of doing the following:

9 1) Granting preliminary approval of the proposed Settlement set forth
10 more particularly in the Joint Stipulation of Class Action Settlement (“Settlement
11 Agreement”) attached as Exhibit “1” to the Declaration of J. Jason Hill, filed
12 concurrently with this motion;

13 2) Certifying the proposed Class pursuant to Rule 23 of Federal Rules of
14 Civil Procedure for settlement purposes only;

15 3) Deeming the Second Amended Class Action Complaint, attached as
16 Exhibit A to the Settlement Agreement, filed for purposes of Settlement only;

17 4) Approving the Notice of Class Action Settlement and Change of
18 Address Form attached as Exhibits B and C to the Settlement Agreement;

19 5) Appointing Cohelan Khoury & Singer, Lebe Law APC, David
20 Yeremian & Associates, Inc. and Sommers Schwartz, P.C. as Class Counsel;

21 6) Appointing the Named Plaintiffs Marc Rivera and Jacquelyn Hutto
22 the Class Representatives;

23 7) Appointing CPT Group, Inc. as the Settlement Administrator;

24 8) Setting a Final Fairness Hearing to consider Final Approval of the
25 proposed settlement, which includes Plaintiffs’ request for an award of attorneys’
26 fees and litigation costs, Class Representative enhancement payments, and
27 Settlement Administrator’s expenses.

28 ///

1 This motion is made on the grounds that Marc Rivera and Jacquelyn Hutto
 2 (referred to together as “Plaintiffs”), on the one hand, and Western Express, Inc., a
 3 Tennessee Corporation, doing business as Western Express Transport of
 4 California, Inc., (“Defendant”), on the other hand, (collectively, the “Parties”),
 5 have reached a proposed Settlement which they believe to be fair, reasonable and
 6 adequate and in the best interests of the Class and the Parties.

7 This motion is based on this Notice of Motion, the Memorandum of Points
 8 and Authorities, Declarations of J. Jason Hill, David Yeremian, and Alvin B.
 9 Lindsay, the Settlement Agreement and its exhibits, the Proposed Order Granting
 10 Preliminary Approval of Class Action Settlement, all prior pleading and
 11 proceedings in this matter, and all other evidence and written and oral argument
 12 that will be submitted in support of the Motion.

13
 14 **COHELAN KHOURY & SINGER**
 15 **LEBE LAW APC**
 16 **DAVID YEREMIAN & ASSOCIATES, INC.**
 17 **SOMMERS SCHWARTZ, P.C.**

18
 19 Dated: February 26, 2020

By: s/J. Jason Hill

J. Jason Hill

Attorneys for Plaintiffs MARC RIVERA and
 JACQUELYN HUTTO, individually and on
 behalf of others similarly situated